

ATTENTION ATTENTION ATTENTION

Method of Refund:

☐ **ACH/EFT**

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Patent/TM/App/Serial # 10/680,339

Program Area

Publishing

Date Processed

8/26/2005

ATTENTION ATTENTION ATTENTION

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re patent of:	§	
Stallcup II et al.	§	Attorney Docket: 34003.54
	§	
Serial No.: 10/680,339	§	Patent Number: 6,812,460
	§	
Filed: 10/07/2003	§	Issued: 11/02/2004
	§	
For: Nano-Manipulation by Gyration	§	Customer Number: 27683

VIA FACSIMILE - 703-305-8568
Mail Stop PGPUB
Commissioner for Patents
PO Box 1450
Alexandria, VA 22313-1450

REQUEST FOR REFUND OF PRE-GRANT PUBLICATION FEE

Dear Sir:

Patentees hereby request refund of the pre-grant publication fee timely filed on September 28, 2004.


According to the Official Filing Receipt, the pre-grant publication was set to publish on April 7, 2005. Patentees note that the subject application proceeded to allowance and issued prior to the projected publication date. Therefore, refund of the publication fee under 37 CFR 1.18(d) is respectfully requested.

Patentees respectfully request that a refund of \$300.00 be credited to the Deposit Account of Haynes and Boone, LLP Number 08-1394. This form submitted in duplicate.

Respectfully submitted,

Dated: 1/12/05
HAYNES AND BOONE, LLP
901 Main Street, Suite 3100
Dallas, Texas 75202-3789
Telephone: [972] 739-8630
Facsimile: [214] 200-0853
R95710.1


Dave R. Hofman
Registration No. 55,272

CERTIFICATE OF FACSIMILE TRANSMISSION	
I hereby certify that this paper is being facsimile transmitted to the Commissioner for Patents on the date shown below:	
Facsimile Number:	1-703-305-8568
Date:	1-12-05
	
Karen L. Underwood FC:1504	

-300.00 OP

29605-1

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re the application of:

Robert G. Hendricks et al

Group Art Unit: 3637

Serial Number: 10/847,905

Examiner: Noah Chandler Hawk

Filed: May 18, 2004

Title: PORTABLE TABLE

REQUEST FOR REFUND
DEPOSIT ACCOUNT #23-2130Refund Department
United States Patent and Trademark Office
Alexandria, VA 22313
Fax No. 571-273-6500# of pages: 7

Sir:

A *Notice of Abandonment* was issued on the above identified patent application on April 14, 2005 (copy attached). In response, applicants submitted a *Petition For Revival of an Application for Patent Abandoned Unintentionally Under 37 CFR 1.137(b)* on April 27, 2005 (copy attached) along with the required \$750 fee. Also submitted were:

*Response to Notice to File Missing Parts**Signed Declaration and surcharge of \$65.00 for late filing**Drawing sheet 7/17**Power of Attorney and Correspondence Address Indication Form**Assignment, Recordation Form Cover Sheet, and \$40.00 recordation fee.*

I hereby certify that this paper or fee is being faxed to: Refund Department, United States Patent and Trademark Office, Fax No. 703-308-5077 on July 14, 2005.

Shelly Flunker

(Typed name of person faxing paper or fee)


(Signature of person faxing paper or fee)

29605-1

Subsequently, the US Patent Office issued a *Withdrawal of Previously Sent Notice* on June 3, 2005 (copy attached). This notice states 'The Notice of Abandonment mailed on 04/14/2005 was sent in error and is hereby withdrawn.' Since the Notice of Abandonment was withdrawn, this application would have remained active and no Petition for Revival would have been required. Therefore, Applicants' respectfully request that a refund of \$750.00 for the Petition for Revival fee be credited to Deposit Account 23-2130.

Please feel free to contact me with any questions, comments, or concerns at the telephone number listed at the end of this document.

Respectfully submitted,
Robert G. Hendricks et al.

By:

Thomas D. Wilhelm
Thomas D. Wilhelm
Attorney for Applicant
(Reg. No. 28,794)

Customer Number: 23482
July 14, 2005
100 W. Lawrence Street, Third Floor
Appleton, Wisconsin 54911
920-831-0100
FAX: 920-831-0101



UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE
 United States Patent and Trademark Office
 Address COMMISSIONER FOR PATENTS
 P.O. Box 1450
 Alexandria, Virginia 22313-1450
 www.uspto.gov

APPLICATION NUMBER	FILING OR 371(C) DATE	FIRST NAMED APPLICANT	ATTY. DOCKET NO./TITLE
10/847,905	05/18/2004	Robert George Hendricks	29605-1

CONFIRMATION NO. 5417

ABANDONMENT/TERMINATION
LETTER

OC000000015747969

23482
 WILHELM LAW SERVICE, S.C.
 100 W LAWRENCE ST
 THIRD FLOOR
 APPLETON, WI 54911

Date Mailed: 04/14/2005

NOTICE OF ABANDONMENT UNDER 37 CFR 1.53 (f) OR (g)

The above-identified application is abandoned for failure to timely or properly reply to the Notice to File Missing Parts (Notice) mailed on 07/18/2004.

- No reply was received.

If a complete reply to the notice was previously filed by applicant within the time period set forth in the notice, applicant may request for reconsideration of the holding of abandonment within 2 months from the mailing of this notice of abandonment by filing a petition to withdraw the holding of abandonment under 37 CFR 1.181(a). No petition fee is required. The petition must be accompanied by a true copy of the originally filed reply and the item (s) identified in one of the following:

1. A properly itemized date-stamped postcard receipt (see MPEP § 503);
2. If the originally filed reply included a certificate of mailing or transmission in compliance with 37 CFR 1.8(a), a copy of the certificate of mailing or transmission and a statement in compliance with 37 CFR 1.8(b) (see MPEP §§ 512); or
3. If the reply was filed via Express Mail, a submission satisfying the requirements of 37 CFR 1.10(e) including, for example, a copy of the Express Mail mailing label showing the "date-in" (see MPEP § 513).

Any petition to withdraw the holding of abandonment should be directed to OIPE.

If applicant did not previously file a complete reply within the time period set forth in the notice, applicant may file a petition to revive the application under 37 CFR 1.137.


Under 37 CFR 1.137(a), a petition requesting the application be revived on the grounds of **UNAVOIDABLE DELAY** must be filed promptly after the applicant becomes aware of the abandonment and such petition must be accompanied by: (1) an adequate showing of the cause of unavoidable delay; (2) the required reply to the above-identified Notice; (3) the petition fee set forth in 37 CFR 1.17(l); and (4) a terminal disclaimer if required by 37 CFR 1.137(d). See MPEP § 711.03(c) and Form PTO/SB/61.

Under 37 CFR 1.137(b), a petition requesting the application be revived on the grounds of **UNINTENTIONAL DELAY** must be filed promptly after applicant becomes aware of the abandonment and such petition must be accompanied by: (1) a statement that the entire delay was unintentional; (2) the required reply to the above-

identified Notice; (3) the petition fee set forth in 37 CFR 1.17(m); and (4) a terminal disclaimer if required by 37 CFR 1.137(d). See MPEP § 711.03(c) and Form PTO/SB/64.

Any questions concerning petitions to revive should be directed to the "Office of Petitions" at (571) 272-3282.

A copy of this notice MUST be returned with the reply.



Office of Initial Patent Examination (703) 308-1202

PART 1 - ATTORNEY/APPLICANT COPY

PTO/SB/64 (09-04)

Approved for use through 07/31/2006. OMB 0651-0031

U.S. Patent and Trademark Office, U.S. DEPARTMENT OF COMMERCE

Under the Paperwork Reduction Act of 1995, no persons are required to respond to a collection of information unless it displays a valid OMB control number.

**PETITION FOR REVIVAL OF AN APPLICATION FOR PATENT
ABANDONED UNINTENTIONALLY UNDER 37 CFR 1.137(b)**

Docket Number (Optional)

28605-1

First named inventor: Robert George Hendricks

Application No.: 10/847,905

Art Unit: 3637

Filed: 05-18-2004

Examiner: Unassigned

Title: Portable Table

Attention: Office of Petitions
 Mail Stop Petition
 Commissioner for Patents
 P.O. Box 1450
 Alexandria, VA 22313-1450
 FAX (703) 872-9306

NOTE: If information or assistance is needed in completing this form, please contact Petitions
 Information at (703) 305-9282.

The above-identified application became abandoned for failure to file a timely and proper reply to a notice or action by the United States Patent and Trademark Office. The date of abandonment is the day after the expiration date of the period set for reply in the office notice or action plus an extensions of time actually obtained.

APPLICANT HEREBY PETITIONS FOR REVIVAL OF THIS APPLICATION

NOTE: A grantable petition requires the following items:

- (1) Petition fee;
- (2) Reply and/or issue fee;
- (3) Terminal disclaimer with disclaimer fee - required for all utility and plant applications filed before June 8, 1995; and for all design applications; and
- (4) Statement that the entire delay was unintentional.

1. Petition fee

- ☒ Small entity-fee \$ 750.00 (37 CFR 1.17(m)). Applicant claims small entity status. See 37 CFR 1.27.
- ☐ Other than small entity - fee \$ _____ (37 CFR 1.17(m))

2. Reply and/or fee

- A. The reply and/or fee to the above-noted Office action in the form of Response to Notice to File Missing Parts (identify type of reply):

- ☐ has been filed previously on _____.
- ☒ is enclosed herewith.

- B. The issue fee and publication fee (if applicable) of \$ _____.

- ☐ has been paid previously on _____.
- ☐ is enclosed herewith.

(Page 1 of 2)

This collection of information is required by 37 CFR 1.137(b). The information is required to obtain or retain a benefit by the public which is to file (and by the USPTO to process) an application. Confidentiality is governed by 35 U.S.C. 122 and 37 CFR 1.11 and 1.14. This collection is estimated to take 1.0 hour to complete, including gathering, preparing, and submitting the completed application form to the USPTO. Time will vary depending upon the individual case. Any comments on the amount of time you require to complete this form and/or suggestions for reducing this burden, should be sent to the Chief Information Officer, U.S. Patent and Trademark Office, U.S. Department of Commerce, P.O. Box 1450, Alexandria, VA 22313-1450. DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS. SEND TO: Mail Stop Petition, Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450.

If you need assistance in completing the form, call 1-800-PTO-9199 and select option 2.

PTO/SB/64 (08-04)

Approved for use through 07/31/2008, OMB 0851-0031

U.S. Patent and Trademark Office, U.S. DEPARTMENT OF COMMERCE

Under the Paperwork Reduction Act of 1995, no persons are required to respond to a collection of information unless it displays a valid OMB control number.

3. Terminal disclaimer with disclaimer fee

☒ Since this utility/plant application was filed on or after June 8, 1995, no terminal disclaimer is required.☐ A terminal disclaimer (and disclaimer fee (37 CFR 1.20(d)) of \$ _____ for a small entity or \$ _____ for other than a small entity) disclaiming the required period of time is enclosed herewith (see PTO/SB/63).

4. STATEMENT: The entire delay in filing the required reply from the due date for the required reply until the filing of a grantable petition under 37 CFR 1.137(b) was unintentional. [NOTE: The United States Patent and Trademark Office may require additional information if there is a question as to whether either the abandonment or the delay in filing a petition under 37 CFR 1.137(b) was unintentional (MPEP 711.03(c), subsections (II)(C) and (D)).]

WARNING: Information on this form may become public. Credit card information should not be included on this form. Provide credit card information and authorization on PTO-2038.

Thomas D. Wilhelm
Signature

04-27-2005

Date

Thomas D. Wilhelm
Typed or printed name

28,784

Registration Number, if applicable

Wilhelm Law Service; 100 W. Lawrence St., 3rd Floor
Address

920-831-0100

Telephone Number

Appleton, WI 54911
Address

Enclosures: ☒ Fee Payment☒ Reply☐ Terminal Disclaimer Form☐ Additional sheets containing statements establishing unintentional delay☒ Other: 8 items, listed in enclosed Reply/Response to Notice to File Missing Parts

CERTIFICATE OF MAILING OR TRANSMISSION [37 CFR 1.8(a)]

I hereby certify that this correspondence is being:

☒ Deposited with the United States Postal Service on the date shown below with sufficient postage as first class mail in an envelope addressed to: Mail Stop Petition, Commissioner for Patents, P. O. Box 1450, Alexandria, VA 22313-1450.☐ Transmitted by facsimile on the date shown below to the United States Patent and Trademark Office as (703) 872-9306.

04-27-2005

Date

Signature

Glenn Graham

Typed or printed name of person signing certificate

(Page 2 of 2)



UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE
United States Patent and Trademark Office
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APPLICATION NUMBER	FILING OR 371(c) DATE	FIRST NAMED APPLICANT	ATTY. DOCKET NO./TITLE
10/847,905		Robert George Hendricks	29605-1

23482
WILHELM LAW SERVICE, S.C.
100 W LAWRENCE ST
THIRD FLOOR
APPLETON, WI 54911

CONFIRMATION NO. 5417

WITHDRAWAL NOTICE



OC000000016193917

Date Mailed: 06/03/2005

WITHDRAWAL OF PREVIOUSLY SENT NOTICE

The Notice of Abandonment mailed on 04/14/2005 was sent in error and is hereby withdrawn. A Filing Receipt is enclosed. The Office regrets any inconvenience the error may have caused.

A copy of this notice MUST be returned with the reply.


Customer Service Center

Initial Patent Examination Division (703) 308-1202

PART 2 - COPY TO BE RETURNED WITH RESPONSE

haynesboone

Haynes and Boone, LLP
Attorneys and Counselors
2505 N Plano Road, Suite 4000
Richardson, Texas 75082-4101
Phone: (972) 680-7550
Fax: (972) 680-7551
www.haynesboone.com

Date: Thursday, July 14, 2005 2:43:54 PM

Total Pages Including Cover: 02

To: Refund Division Company: USPTO
Fax: 15712736500 Telephone: 15712726500
Client/Matter: 34003. 54

From: Laura Howeth
Direct Telephone: 972-739-8663
Direct Fax: 214-200-0853

Should you have any problem with this transmission, please call: 972-739-8663

Message:

United States Application No.: 10/680,339 (US Patent 6812460)

Dear Sir or Madam:

We learned today that the Refund Division has not received a copy of the attached Request for Refund originally submitted January 12, 2005.

Please review the attached request and process accordingly.

Laura A. Howeth, Paralegal for
Attorney of Record, Dave R. Hofman

Confidentiality Note: The information contained in this facsimile message is privileged and confidential and is intended only for the use of the addressee. The term "privileged and confidential" includes, without limitation, attorney-client privileged communications, attorney work product, trade secrets, and any other proprietary information. Nothing in this facsimile is intended by the attorney or the client to constitute a waiver of the confidentiality of this message. If the reader of this message is not the intended recipient, or employee/agent of the intended recipient, you are hereby notified that any duplication, or distribution of this communication is unauthorized. If you have received this message in error, please notify us by telephone immediately so that we can arrange for the return of the original documents to us at no cost to you.